

SENATE BILL 3893

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 2 and Title 5, relative to vacancies in county legislative bodies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-1-104(b)(1), is amended by deleting the language "Vacancies in county offices" and by substituting instead the language "Except as provided in subsection (c), vacancies in county offices".

SECTION 2. Tennessee Code Annotated, Section 5-1-104, is amended by adding the following language as a new subsection (c) and designating present subsection (c) as subsection (d):

(c)

(1) When two (2) or more simultaneous vacancies occur on any county legislative body and twelve (12) or more months remain prior to the next August general election for county officials, a special election shall be called by the county election commission to elect a successor by the qualified voters of the district represented by the member of the county legislative body whose seat is vacant. Such successor shall serve the remainder of the original term. The county legislative body may elect an interim successor to serve until the special election called pursuant to this section.

(2) Notwithstanding any other provision of law to the contrary, no primary election shall be held to fill such vacancies; further all candidates shall be elected on a non-partisan basis in such special election. All other provisions of law relative to elections, including issuing writs of election for such special election, shall apply to such special election.

(3) The provisions of this section shall pre-empt any charter provisions to the contrary and no referendum needs to be held to alter any charter provisions which conflict with this section.

SECTION 3. Tennessee Code Annotated, Section 5-5-102(i), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(i)

(1) Except as provided in subdivision (2), if a vacancy shall occur in the office of a member of the county legislative body, the vacancy shall be filled as provided for in § 5-1-104(b).

(2) When two (2) or more simultaneous vacancies occur on any county legislative body and twelve (12) or more months remain prior to the next August general election for county officials, the vacancies shall be filled as provided for in § 5-1-104(c).

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.